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and

the motion compensation prediction value of a picture of the arbitrary shape indicated by the alpha-map signal.

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25. ~~43~~ (Amended) A video decoding method according to Claim ~~40~~⁴², further comprising:

calculating a motion compensation prediction value on the basis of readout of one of the decoded arbitrary shape picture signals and motion vector information being input to a motion compensation prediction section; and

orthogonally transforming the motion compensation prediction value on the basis of the alpha-map signal to obtain an orthogonal transform coefficient of the motion compensation prediction value of a picture of the arbitrary shape indicated by the alpha-map signal.

REMARKS

Favorable reconsideration of the present application in light of the following discussion is respectfully requested.

Claims 19-45 are pending in this application. Claims 25 and 43 have been amended to clarify the invention without the introduction of any new matter.

The outstanding Office Action includes a rejection of Claims 1-22 as being based upon a defective reissue declaration, a rejection of Claims 25, 26, 43, and 44 as being indefinite under the second paragraph of 35 U.S.C. §112, a rejection of Claims 19-21, 27-30, 36-39, and 45 under 35 U.S.C. §102(e) as being anticipated by Yamaguchi et al (U. S. Patent No. 6,154,495, Yamaguchi '495), a rejection of Claims 22-24, 31-33, and 40-42 under 35 U.S.C. §103(a) as being unpatentable over Yamaguchi '495 in view of Oh et al (U. S. Patent No. 5,686,956, Oh) and a rejection of Claims 25, 26, 34, 35, 43, and 44 under 35 U.S.C. §103(a) as being unpatentable over Yamaguchi '495 in view of Oh in further view of Dufour

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et al (U. S. Patent No. 5,528,299, Dufour).

Turning first to the rejection of Claims 25, 26, 43, and 44 as being indefinite under the second paragraph of 35 U.S.C. §112, it is believed that the present amendment to Claim 25 that adopts the suggestion in the outstanding Office Action as to this claim should be considered to be sufficient to overcome this rejection as applied to Claims 25 and 26. Moreover, it is believed that the present amendment to Claim 43 clarifies the subject matter claimed and should also be considered to be sufficient to overcome this rejection as applied to Claims 43 and 44. Accordingly, withdrawal of this rejection of Claims 25, 26, 43, and 44 as being indefinite under the second paragraph of 35 U.S.C. §112 is respectfully submitted to be in order as these claims all fully comply with 35 U.S.C. §112.

With regard to the rejection of Claims 19-21, 27-30, 36-39, and 45 under 35 U.S.C. §102(e) as being anticipated by Yamaguchi, the rejection of Claims 22-24, 31-33, and 40-42 under 35 U.S.C. §103(a) as being unpatentable over Yamaguchi '495 in view of Oh, and the rejection of Claims 25, 26, 34, 35, 43, and 44 under 35 U.S.C. §103(a) as being unpatentable over Yamaguchi '495 in view of Oh in further view of Dufour, each of these rejections are based upon the teachings of Yamaguchi '495 being prior art because the U.S. filing date of Yamaguchi '495 is based upon the September 30, 1996 filing date of its parent application Serial No. 08/722,943 that matured into U.S. Patent No. 5,883,678. This filing date is prior to the U.S. filing date of the ultimate parent application being relied upon here under 35 U.S.C. §120 (Application Serial No. 08/738,934 filed on October 24, 1996 that matured into U.S. Patent No. 5,818,531). However, the present application claims the benefit under 35 U.S.C. §119 of Japanese Patent Application No. 8-154296, which was filed in Japan on June 14, 1996. This claimed priority date is clearly prior to the Yamaguchi '495 effective filing date of September 30, 1996.

In addition, the enclosed English translation of this priority document demonstrates that the enablement and description requirements of the first paragraph of 35 U.S.C. §112 are satisfied and the enclosed certification statement of the translator establishes that this enclosed English translation is an accurate one. Therefore, the requirements of 37 CFR §1.55(a)(4) and MPEP §706.02(b)(E) have been met and this application is clearly entitled to a perfected foreign priority date of June 14, 1996.

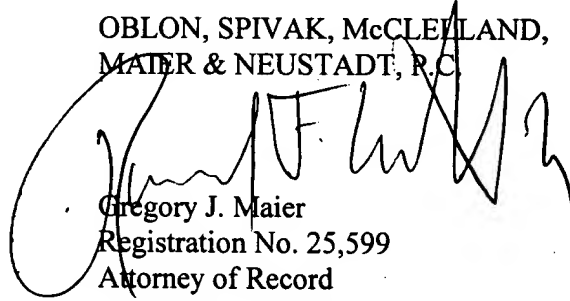
Accordingly, the outstanding rejection of Claims 19-21, 27-30, 36-39, and 45 under 35 U.S.C. §102(e) as being anticipated by Yamaguchi, the rejection of Claims 22-24, 31-33, and 40-42 under 35 U.S.C. §103(a) as being unpatentable over Yamaguchi '495 in view of Oh, and the rejection of Claims 25, 26, 34, 35, 43, and 44 under 35 U.S.C. §103(a) as being unpatentable over Yamaguchi '495 in view of Oh in further view of Dufour are now all clearly improper and should be removed as the effective U.S. filing date of Yamaguchi '495, the basic reference being relied upon in each of these rejections, is not prior to the above-noted perfected foreign priority date of June 14, 1996 to which this application is entitled.

Accordingly, these rejections of Claims 19- 44 based upon the teachings of Yamaguchi are clearly improper and should be withdrawn as is Yamaguchi '495 is not prior art that can be relied upon under either 35 U.S.C. §102 or 35 U.S.C. §103.

Accordingly, it is believed that this application is clearly in condition for formal allowance and an early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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IN THE CLAIMS

Please amend Claims 25 and 43 as follows:

25. (Amended) A video decoding apparatus according to Claim 22, further comprising:

motion compensation prediction means for calculating a motion compensation prediction value on the basis of readout one of the decoded arbitrary shape picture signals and motion vector information input to the motion compensation prediction [section] means; and

transform means for orthogonally transforming the motion compensation prediction value on the basis of the alpha-map signal to obtain an orthogonal transform coefficient of the motion compensation prediction value of a picture of the arbitrary shape indicated by the alpha-map signal.

43. (Amended) A video decoding method according to Claim 40, further comprising:

calculating a motion compensation prediction value on the basis of readout of one of the decoded arbitrary shape picture signals and motion vector information being input to [the] a motion compensation prediction section; and

orthogonally transforming the motion compensation prediction value on the basis of the alpha-map signal to obtain an orthogonal transform coefficient of the motion compensation prediction value of a picture of the arbitrary shape indicated by the alpha-map signal.